

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

FRONTIER WEST VIRGINIA INC., et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:17-cv-03560

GOVERNOR JIM JUSTICE II,  
solely in his official capacity as Governor  
of the state of West Virginia, et al.,

Defendants.

and,

WEST VIRGINIA CABLE TELECOMMUNICATIONS  
ASSOCIATION INC.

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-03609

JAMES C. JUSTICE JR.,  
in his official capacity as Governor  
of West Virginia, et al.,

Defendants.

**JUDGMENT ORDER**

In accordance with the Memorandum Opinion and Order entered June 14, 2018, (ECF No. 64), the Court **GRANTS** Plaintiffs' Joint Motion for Summary Judgement, (ECF No. 59), **DECLARES** that Article 4 of West Virginia Code Chapter 31G is preempted by federal law as

applied to privately owned utility poles, and Defendants are **PERMANENTLY ENJOINED** from enforcing, applying or otherwise giving effect to Article 4 as applied to privately owned utility poles.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 18, 2018

A handwritten signature in blue ink, appearing to read 'Th. Johnston', is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE